

THE HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FRANK “JOE” MENDEZ, an individual, on  
behalf of himself and others similarly situated;  
DONALD MAX KIMBALL, an individual, on  
behalf of himself and others similarly situated;  
and SIA GOULD, an individual, on behalf of  
herself and others similarly situated,

Plaintiffs,

vs.

STEELSCAPE WASHINGTON, LLC, a  
Washington limited liability company; and  
STEELSCAPE, LLC, a foreign limited liability  
company,

Defendants.

C19-5691 TSZ

**STIPULATED MOTION  
AND ORDER CONTINUING  
PRE-CERTIFICATION  
BRIEFING DEADLINES**

NOTE ON MOTION  
CALENDAR:

February 9, 2021

**STIPULATED MOTION**

The parties, by and through counsel, hereby stipulate and jointly move as follows:

This matter is a putative class action by Plaintiffs Frank “Joe” Mendez, Donald  
Max Kimball, and Sia Gould against Defendants Steelscape Washington, LLC and  
Steelscape LLC for alleged failure to pay wages under Washington law.

On June 12, 2020, the Court signed a Stipulated Motion and Order Continuing Pre-  
Certification Briefing Deadlines, which extended the deadline for Plaintiff’s motion for

STIPULATED MOTION AND ORDER  
CONTINUING PRE-CERTIFICATION BRIEFING  
DEADLINES – 1  
C19-5691 TSZ

**HKM EMPLOYMENT ATTORNEYS LLP**  
600 Stewart Street, Suite 901  
Seattle, Washington 98101  
Tel: (206) 838-2504

1 class certification to February 19, 2021. *See* Dkt. 22. Since entry of that Order, the parties  
 2 exchanged preliminary discovery and participated in a lengthy and extensive mediation  
 3 process. As a result of those efforts, the parties reached a settlement in principle but need  
 4 additional time to finalize the remaining details of that settlement.

5 Thus, for efficiency and to allow the parties sufficient time to focus their efforts on  
 6 finalizing the terms of settlement and all preliminary motions related thereto, and further,  
 7 in the unlikely event that settlement falls through, to prepare for and file pre-certification  
 8 briefing, the parties jointly request that the current pre-certification briefing deadlines be  
 9 adjusted as follows:

Event	Current Deadline	Proposed Deadline
Deadline to file motion for class certification and related motions	February 19, 2021	July 23, 2021
Opposition briefs re motion for class certification or other motions	March 26, 2021	August 27, 2021
Reply briefs re motion for class certification or other motions	April 16, 2021	September 17, 2021

14 The parties further stipulate pursuant to Federal Rule of Civil Procedure 29(b) that,  
 15 if the briefing deadlines are continued by the Court as requested in this Stipulated Motion,  
 16 then the deadline for any party to serve objections or responses or to produce documents in  
 17 response to any formal discovery requests (now pending or subsequently served) will be no  
 18 sooner than 30 days after the date the propounding party informs the receiving party that it  
 19 deems settlement unsuccessful and desires to resume formal discovery.

20 //

21 //

22 //

23 IT IS SO STIPULATED this 9<sup>th</sup> day of February, 2021.

24  
 25  
 26  
 STIPULATED MOTION AND ORDER  
 CONTINUING PRE-CERTIFICATION BRIEFING  
 DEADLINES – 2  
 C19-5691 TSZ

**HKM EMPLOYMENT ATTORNEYS LLP**  
 600 Stewart Street, Suite 901  
 Seattle, Washington 98101  
 Tel: (206) 838-2504

1 K&L GATES LLP

HKM EMPLOYMENT ATTORNEYS LLP

2 /s/ Patrick M. Madden

/s/ Donald W. Heyrich

3 Patrick M. Madden, WSBA # 21356

Donald W. Heyrich, WSBA # 28897

4 /s/ Ryan D. Redekopp

/s/ Erin S. Norgaard

5 Ryan D. Redekopp, WSBA # 36853

Erin S. Norgaard, WSBA # 32789

6 K&L GATES LLP

/s/ Brian L. Dolman

7 925 Fourth Avenue, Suite 2900

Brian L. Dolman, WSBA # 32365

8 Seattle, WA 98104

9 Telephone: (206) 623-7580

HKM Employment Attorneys LLP

10 Fax: (206) 623-7022

600 Stewart Street, Suite 901

11 Email: patrick.madden@klgates.com

Seattle, WA 98101

12 Email: ryan.redekopp@klgates.com

Telephone: (206)

13 *Attorneys for Defendants*

Fax: (206)

Email: dheyrich@hkm.com

Email: enorgaard@hkm.com

Email: bdolman@hkm.com

*Attorneys for Plaintiffs*

14 **ORDER**

15 Finding good cause based on the forgoing stipulations and joint request, the pre-  
16 certification briefing deadlines in this matter are continued as follows:

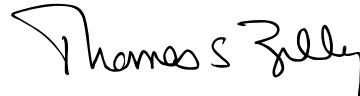
17 Deadline to file motion for class certification and related motions: July 23, 2021

18 Opposition briefs re motion for class certification or other motions: August 27, 2021

19 Reply briefs re motion for class certification or other motions: September 17, 2021

20 Any hearing on class certification will be set by the Court. Trial and pre-trial  
21 deadlines to be scheduled once class certification motion is determined.

22 Dated this 10th day of February, 2021.

23 

24 The Honorable Thomas S. Zilly  
25 United States District Judge  
26

STIPULATED MOTION AND ORDER  
CONTINUING PRE-CERTIFICATION BRIEFING  
DEADLINES – 3  
C19-5691 TSZ

HKM EMPLOYMENT ATTORNEYS LLP  
600 Stewart Street, Suite 901  
Seattle, Washington 98101  
Tel: (206) 838-2504

1 Presented by:

2 K&L GATES LLP

3 /s/ Patrick M. Madden

Patrick M. Madden, WSBA # 21356

4 /s/ Ryan D. Redekopp

5 Ryan D. Redekopp, WSBA # 36853

K&L GATES LLP

6 925 Fourth Avenue, Suite 2900

7 Seattle, WA 98104

8 Telephone: (206) 623-7580

9 Fax: (206) 623-7022

Email: patrick.madden@klgates.com

Email: ryan.redekopp@klgates.com

10 *Attorneys for Defendants Steelscape Washington, LLC and Steelscape LLC*

11 and

12 HKM EMPLOYMENT ATTORNEYS LLP

13 /s/ Donald W. Heyrich

Donald W. Heyrich, WSBA # 28897

14 /s/ Erin S. Norgaard

15 Erin S. Norgaard, WSBA # 32789

16 /s/ Brian L. Dolman

Brian L. Dolman, WSBA # 32365

17 HKM Employment Attorneys LLP

18 600 Stewart Street, Suite 901

19 Seattle, WA 98101

Telephone: (206)

20 Fax: (206)

Email: dheyrich@hkm.com

21 Email: enorgaard@hkm.com

Email: bdolman@hkm.com

22 *Attorneys for Plaintiffs Frank "Joe" Mendez, Donald Max Kimball, and Sia Gould*

23  
24  
25  
26  
STIPULATED MOTION AND ORDER  
CONTINUING PRE-CERTIFICATION BRIEFING  
DEADLINES – 4  
C19-5691 TSZ

**HKM EMPLOYMENT ATTORNEYS LLP**  
600 Stewart Street, Suite 901  
Seattle, Washington 98101  
Tel: (206) 838-2504

**CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2021, I caused the foregoing document to be electronically filed with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to the following attorneys of record.

Patrick M. Madden  
Ryan D. Redekopp  
K&L Gates LLP  
925 Fourth Avenue, Suite 2900  
Seattle, WA 98104  
[Patrick.madden@klgates.com](mailto:Patrick.madden@klgates.com)  
[Ryan.redekopp@klgates.com](mailto:Ryan.redekopp@klgates.com)  
Attorneys for Defendants

DATED this 9<sup>th</sup> day of February, 2021.

/s/ Angela Tracy  
Angela Tracy, Legal Assistant